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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,265

04/14/2004

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275143.100

6509

42161 7590 04/24/2007  
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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/824,265

Applicant(s)

AARON, JAMES F.

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 17, 19 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the internal angle between the upper member and the first joining member is less than ninety degrees and the internal angle between said upper member and said second joining member is less than ninety degrees (claim 6), the raw material being plywood, metal sheets, and metal panels (claims 9 and 10, lines 3-5), the members being separately formed and joined together to form the connector (claim 13), the members joined by nailing, screwing, taping, adhering, welding, gluing, and hinging (claim 14), and the spanning member connected to the upper members by nailing, screwing, taping, adhering, welding, gluing, and hinging (claim 15) must be shown or the features canceled from the claims. No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "35" has been used to designate a first configuration of a mat with four holes each in the corners (Figures 4, 8, 9A, 9C, 11A, 11C, and 12), a second configuration of a mat with two holes closer to each other at the edge (Figures 9B and 9D), a third configuration of a mat with two holes each in the corners (Figure

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9D), and a fourth configuration of a mat that is rectangular with many holes (Figures 10 and 11B).

The drawings are objected to because Figure 11B needs to enclose the mats with a bracket.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases, which can be implied, such as, "The disclosure concerns", "The disclosure defined by this invention", "The disclosure describes", "This patent discloses", etc.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

regarding claim 1, "each" in line 4 should be deleted since line 3 sets forth at least one two-prong connector unit and not at least two;

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the connector is "for flexibly connecting adjacent first and second mat panel, with each mat panel having at least one hole near the edge abutting the adjacent mat panel". However, the body of the claim positively recites "the first and second mat panels", e.g., "said upper member lies on the top of said adjacent first and second mat panels and spans the distance between the holes in said adjacent mat panels" (lines 7-8), which indicates that the claims are being drawn to a combination of the "connector" and both the "first panel and the second panel". Accordingly, is the combination or subcombination being claimed? Appropriate correction, clarification, or both is required. For purposes of this Office action, the examiner has considered the connector alone.

Regarding claim 12, the metes and bounds of the claim is unclear. In particular, how does the previous process set forth in claim 11 further limited by either molding, sculpting, press forming, or casting. Note that claim 11 sets forth the process using a single piece of material by cutting and forming the single piece of material into the members.

Regarding claim 16, the metes and bounds of the claim is unclear. In particular, it is unclear what the system comprises of. Further, the system appears to be defined by method steps in lines 2-4, and thus it is unclear how the steps limit the system. For purposes of this Office action, the examiner has considered the system comprising adjacent mat panels in combination with the connector.

Regarding claim 25, the metes and bounds of the claim is unclear. In particular, how does the previous process set forth in claim 24 further limited by either molding, sculpting, press forming, or casting. Note that claim 24 sets forth the process using a single piece of material by cutting and forming the single piece of material into the members.

Regarding claims 2-11 and 15, the claims depend from claim 1 and therefore are indefinite.

Regarding claims 17-28, the claims depend from claim 16 and therefore are indefinite.

### ***Double Patenting***

Applicant is advised that should claim 3 be found allowable, claim 30 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two

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claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Applicant should note that claim 2 provides for another two-prong connector unit and claim 3 provides the upper members being parallel and the lower prong members of each of the two-prong connector units in the same plane as one another.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-12, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker, 487,374.



Regarding claim 1, Parker discloses, in Figure 3, discloses a connector having at least one two-prong connector unit **d** comprising an upper member **A1** (see marked-up attachment), a first lower prong member **A2**, a second lower prong member **A3**, a first joining member **A4**, and a second joining member **A5**. The upper member **A1** has a first end **A6** and a second end **A7**. The first lower prong member **A2** having an inner end **A8** and an outer end **A9**. The second lower prong member **A3** has an inner end **A8** and an outer end **A9**. The first joining member **A4** connects the first end **A6** of the upper member **A1** to the inner end **A8** of the first lower prong member **A2**. The second joining member **A5** connects the second end **A7** of the upper member **A1** to the inner end **A8** of the second joining member **A5**. The upper member **A1** is substantially parallel to the first lower prong member **A2** and to the second lower prong member **A3**.

Regarding claim 2, the one two-prong connector unit **d** is joined in parallel to another two-prong connector **d** by at least one spanning member **b** that connects the upper member of each of the of the two-prong connector units **d**.

Regarding claim 3, the upper members **A1** are parallel and the lower prong members **A2** are in the same pane as one another.

Regarding claim 4, the first joining member **A4** is substantially parallel to the second joining member **A5**.

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Regarding claim 5, an internal angle between the upper member A1 and the first joining member A4 is at least 90 degrees. An internal angle between the upper member A1 and the second joining member A5 is at least 90 degrees.

Regarding claims 9 and 10, the upper member A1, the first lower prong member A2, the second lower prong member A3, the first joining member A4, and the second joining member A5 are comprised of a raw material selected from steel.

Regarding claim 11, the upper member A1, the first lower prong member A2, the second lower prong member A3, the first joining member A4, and the second joining member A5 are formed from a single piece of material. Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is of little consequence when Parker possesses such connector using a single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Regarding claim 12, applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited. Accordingly, how the single piece of material is formed, e.g., by bending, molding, sculpting, press forming, and casting, is of little consequence

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when Parked possesses such single piece of material formed. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Regarding claim 29, Parker discloses, in Figure 3, discloses a two-prong connector comprising an upper member **A1** (see marked-up attachment), a first lower prong member **A2**, a second lower prong member **A3**, a first joining member **A4**, and a second joining member **A5**. The upper member **A1** has a first end **A6** and a second end **A7**. The first lower prong member **A2** having an inner end **A8** and an outer end **A9**. The second lower prong member **A3** has an inner end **A8** and an outer end **A9**. The first joining member **A4** connects the first end **A6** of the upper member **A1** to the inner end **A8** of the first lower prong member **A2**. The upper member **A1** is substantially parallel to the first lower prong member **A2** and substantially perpendicular to the first joining member **A4**. The second joining member **A5** connects the second end **A7** of the upper member **A1** to the inner end **A8** of the second joining member **A5**. The upper member **A1** is substantially parallel to the second lower prong member **A3** and substantially perpendicular to the second joining member **A5**.

Claims 1, 16, 9, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson, 7,021,009.

Regarding claim 1, Johnson discloses, in Figure 8, discloses a connector **62** comprising at least one two-prong connector unit comprising an upper member **A1** (see

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marked-up attachment), a first lower prong member **A2**, a second lower prong member **A3**, a first joining member **A4**, and a second joining member **A5**. The upper member **A1** has a first end **A6** and a second end **A7**. The first lower prong member **A2** having an inner end **A8** and an outer end **A9**. The second lower prong member **A3** has an inner end **A8** and an outer end **A9**. The first joining member **A4** connects the first end **A6** of the upper member **A1** to the inner end **A8** of the first lower prong member **A2**. The second joining member **A5** connects the second end **A7** of the upper member **A1** to the inner end **A8** of the second joining member **A5**. The upper member **A1** is substantially parallel to the first lower prong member **A2** and to the second lower prong member **A3**.

Regarding claim 16, Johnson discloses, in Figure 8, a system comprising adjacent mat panels **14** and a connector **62**. The mat panels **14** have a hole **54** near edges. The connector **62** is inserted into the holes **54**. The connector **62** has at least one two-prong connector unit comprising an upper member **A1** (see marked-up attachment), a first lower prong member **A2**, a second lower prong member **A3**, a first joining member **A4**, and a second joining member **A5**. The upper member **A1** has a first end **A6** and a second end **A7**. The upper member **A1** lies on top of the mat panels **14** and spans the distance between the holes **54** in the adjacent mat panels **14**. The first lower prong member **A2** has an inner end **A8** and an outer end **A9**. The second lower prong member **A3** has an inner end **A8** and an outer end **A9**. The first joining member **A4** connects the first end **A6** of the upper member **A1** to the inner end **A8** of

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the first lower prong member **A2**. The second joining member **A5** connects the second end **A7** of the upper member **A1** to the inner end **A8** of the second joining member **A5**. The upper member **A1** is substantially parallel to the first lower prong member **A2** and to the second lower prong member **A3**.

Regarding claims 9 and 22, the first lower prong member **A2**, the second lower prong member **A3**, the first joining member **A4**, and the second joining member **A5** are comprised of a raw material selected from metal sheets.

Claims 1-3, 11, 12, 15, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Dom, FR-1,559,036.

Regarding claim 1, Dom discloses, in Figure 5, discloses a connector **2** having at least one two-prong connector unit comprising an upper member **A1** (see marked-up attachment), a first lower prong member **22**, a second lower prong member **22**, a first joining member **A2**, and a second joining member **A3**. The upper member **A1** has a first end **A6** and a second end **A7**. The first lower prong member **22** having an inner end **A8** and an outer end **A9**. The second lower prong member **22** has an inner end **A8** and an outer end **A9**. The first joining member **A2** connects the first end **A6** of the upper member **A1** to the inner end **A8** of the first lower prong member **22**. The second joining member **A3** connects the second end **A7** of the upper member **A1** to the inner

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end **A8** of the second joining member **A3**. The upper member **A1** is substantially parallel to the first lower prong member **22** and to the second lower prong member **22**.

Regarding claim 2, the one two-prong connector unit is joined in parallel to another two-prong connector by at least one spanning member **11** that connects the upper member **A1** of each of the of the two-prong connector units.

Regarding claim 3, the upper members **A1** are parallel and the lower prong members **24** are in the same pane as one another.

Regarding claim 11, the upper member, the first lower prong member, and the second lower prong member, the first joining member, the second joining member are formed from a single piece of material. Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is of little consequence when Dom possesses such connector using a single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is

of little consequence when Parked possesses such single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Regarding claim 12, applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited. Accordingly, how the single piece of material is formed, e.g., by bending, molding, sculpting, press forming, and casting, is of little consequence when Parked possesses such single piece of material formed. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Regarding claim 15, the one spanning member **11** is connected to the upper members **A1**.

Regarding claim 30, Dom discloses, in Figure 5, discloses a connector **2** having at least one two-prong connector unit comprising an upper member **A1** (see marked-up attachment), a second upper member **A1**, a first lower prong member **22**, a second lower prong member **22**, a first joining member **A2**, a second joining member **A3**, a third lower prong member **22**, a fourth lower prong member **22**, a third joining member **A4**, a fourth joining member **A5**, and at least one spanning member **11**. The upper member **A1** has a first end **A6** and a second end **A7**. The first lower prong member **22** having an inner end **A8** and an outer end **A9**. The second lower prong member **22** has an inner end **A8** and an outer end **A9**. The first joining member **A2** connects the first end

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**A6** of the upper member **A1** to the inner end **A8** of the first lower prong member **22**.

The second joining member **A3** connects the second end **A7** of the upper member **A1** to the inner end **A8** of the second joining member **A3**. The upper member **A1** is substantially parallel to the first lower prong member **22** and to the second lower prong member **22**. The second upper member **A1** has a first end and a second end. The third lower prong member and the fourth lower prong member have an inner end and an outer end. The third joining member connects the first end of the second upper member to the inner end of the third lower prong member. The second upper member is substantially parallel to the third lower prong member and substantially perpendicular to the third joining member. The fourth joining member connects the second end of the second upper member to the inner end of the fourth lower prong member. The second upper member is substantially parallel to the fourth lower prong member and substantially perpendicular to the fourth joining member. The spanning member connects the first upper member **A1** to the second upper member **A1**. The first upper member and the second upper member are parallel to one another and the prong members **22** are in the same plane as one another.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Green, 4,610,250.

Regarding claim 1, Green discloses, in Figure 5, discloses a connector having at least one two-prong connector unit **11** comprising an upper member **13**, a first lower



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prong member **151**, a second lower prong member **161**, a first joining member **15**, and a second joining member **16**. The upper member **13** has a first end **A6** (see marked-up attachment) and a second end **A7**. The first lower prong member **151** having an inner end **A8** and an outer end **A9**. The second lower prong member **161** has an inner end **A8** and an outer end **A9**. The first joining member **15** connects the first end **A6** of the upper member **13** to the inner end **A8** of the first lower prong member **151**. The second joining member **16** connects the second end **A7** of the upper member **13** to the inner end **A8** of the second joining member **16**. The upper member **13** is substantially parallel to the first lower prong member **151** and to the second lower prong member **161**.

Regarding claim 6, an internal angle between the upper member **13** and the first joining member **15** is less than ninety degrees and an internal angle between the upper member **13** and the second joining member **16** is less than ninety degrees.

Claims 16, 20, 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown, 4,172,680.

Regarding claim 16, Brown discloses, in Figures 8A and 8B, a system comprising adjacent mat panels **13** and a connector **35**. The mat panels **13** have a hole **14** near edges. The connector **35** is inserted into the holes **14**. The connector **35** has at least one two-prong connector unit comprising an upper member **A1** (see marked-up

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attachment), a first lower prong member **36**, a second lower prong member **36**, a first joining member **37**, and a second joining member **38**. The upper member **A1** has a first end and a second end. The upper member **A1** lies on top of the mat panels **13** and spans the distance between the holes **14** in the adjacent mat panels **13**. The first lower prong member **36** has an inner end and an outer end. The second lower prong member **36** has an inner end and an outer end. The first joining member **37** connects the first end of the upper member **A1** to the inner end of the first lower prong member **36**. The second joining member **38** connects the second end of the upper member **A1** to the inner end of the second joining member **38**. The upper member **A1** is substantially parallel to the first lower prong member **36** and to the second lower prong member **36**.

Regarding claim 20, the internal angle between the upper member **A1** and the first joining member **37** is at least ninety degrees and the internal angle between the upper member **A1** and the second joining member **38** is at least ninety degrees.

Regarding claim 22, the first joining member **37** and the second joining member **38** are comprised of metal sheets.

Regarding claim 24, the upper member **A1**, the first lower prong member **36**, the second lower prong member **36**, the first joining member **37**, and the second joining member **38** are formed from a single piece of material. Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined

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irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is of little consequence when Parked possesses such single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Regarding claim 25, applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited. Accordingly, how the single piece of material is formed, e.g., by bending, molding, sculpting, press forming, and casting, is of little consequence when Brown possesses such connector using a single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, 487,374.

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Regarding claims 7 and 8, Parker as discussed, discloses the upper member A1, the first lower prong member, and the second lower prong member comprised of round rods; however, Parker fails to mention the dimensions of the upper member, the prongs, the round rods, the distance from the bottom surface of the lower prong members to the top surface of the upper member, and the length of the connector from the outer end of the first lower prong member to the outer edge of the second lower prong member, accordingly. Applicant is reminded that a change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been an obvious matter of design choice to make the upper member be about five inches in length, the first and the second lower prong members be each about two inches in length, the distance from the bottom surface of each of the lower prong members to the top surface of the upper member be approximately one and three quarter inches, the length of the connector from the outer end of the first lower prong member to the outer edge of the second lower prong member be about eight inches, and the diameter of the rod be one-half inch since such a modification would have involved a mere change in the size of a component, i.e., the connector. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 13, Parker discloses the claimed invention except for the members separately formed and joined together to form the connector. Applicant is reminded that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlienman*, 168 USPQ 177, 179.

Regarding claim 14, each of the members are joined. Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is of little consequence when Parked possesses such single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, 4,172,680, in view of Atkinson, 5,988,942.

Regarding claim 18, Brown, as discussed, fails to disclose the upper member A1, the first lower prong member 36, and the second lower prong member 36 comprised of round rods. Brown also fails to disclose the dimensions of the upper member, the prongs, the round rods, the distance from the bottom surface of the lower prong members to the top surface of the upper member, and the length of the connector from the outer end of the first lower prong member to the outer edge of the second lower prong member, accordingly. Atkinson teaches, between Figures 3 and 5, the connector being made of plates or round rods as an alternative configuration of the connector to reduce weight or manufacturing costs. Therefore, as taught by Atkinson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the connector of Brown of wire to reduce weight or manufacturing costs.

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Further, applicant is reminded that a change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been an obvious matter of design choice to make the upper member be about five inches in length, the first and the second lower prong members be each about two inches in length, the distance from the bottom surface of each of the lower prong members to the top surface of the upper member be approximately one and three quarter inches, the length of the connector from the outer end of the first lower prong member to the outer edge of the second lower prong member be about eight inches, and the diameter of the rod be one-half inch since such a modification would have involved a mere change in the size of a component, i.e., the connector. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claims 21, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, 4,172,680.

Regarding claim 21, Brown, as discussed, fails to disclose the internal angle between the upper member and the first joining member being less than ninety degrees and the internal angle between the upper member and the second joining member being less than ninety degrees. Applicant is reminded that discovering an optimum value of a result effective variable involves only routine skill in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the angles between the upper member and both the first joining

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member and the second joining member to provide a more effective clamping force between the mats. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 26, Brown discloses the claimed invention except for the members separately formed and joined together to form the connector. Applicant is reminded that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlienman*, 168 USPQ 177, 179.

Regarding claim 27, each of the members are joined. Applicant is reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether process steps are recited. Accordingly, how the single piece of material is formed, e.g., by cutting and forming, is of little consequence when Parked possesses such single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113.

### ***Allowable Subject Matter***

Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Claims 19 and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 17, the prior art of record does not disclose or suggest a system comprising adjacent mat panels and a connector comprising at least one two-prong connector unit joined in parallel to another two-prong connector unit by at least one spanning member connecting the upper member of each of the two-prong connector units wherein the upper members are parallel and the lower prong members are in the same plane as one another; and

regarding claim 19 and 23, these claims depend from claim 17.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*E.G.*

E.G.

April 18, 2007

Attachments: one marked-up page of Parker, 487,374  
one marked-up page of Johnson, 7,021,009  
one marked-up page of Dom, FR-1,559,036  
one marked-up page of Brown, 4,172,680

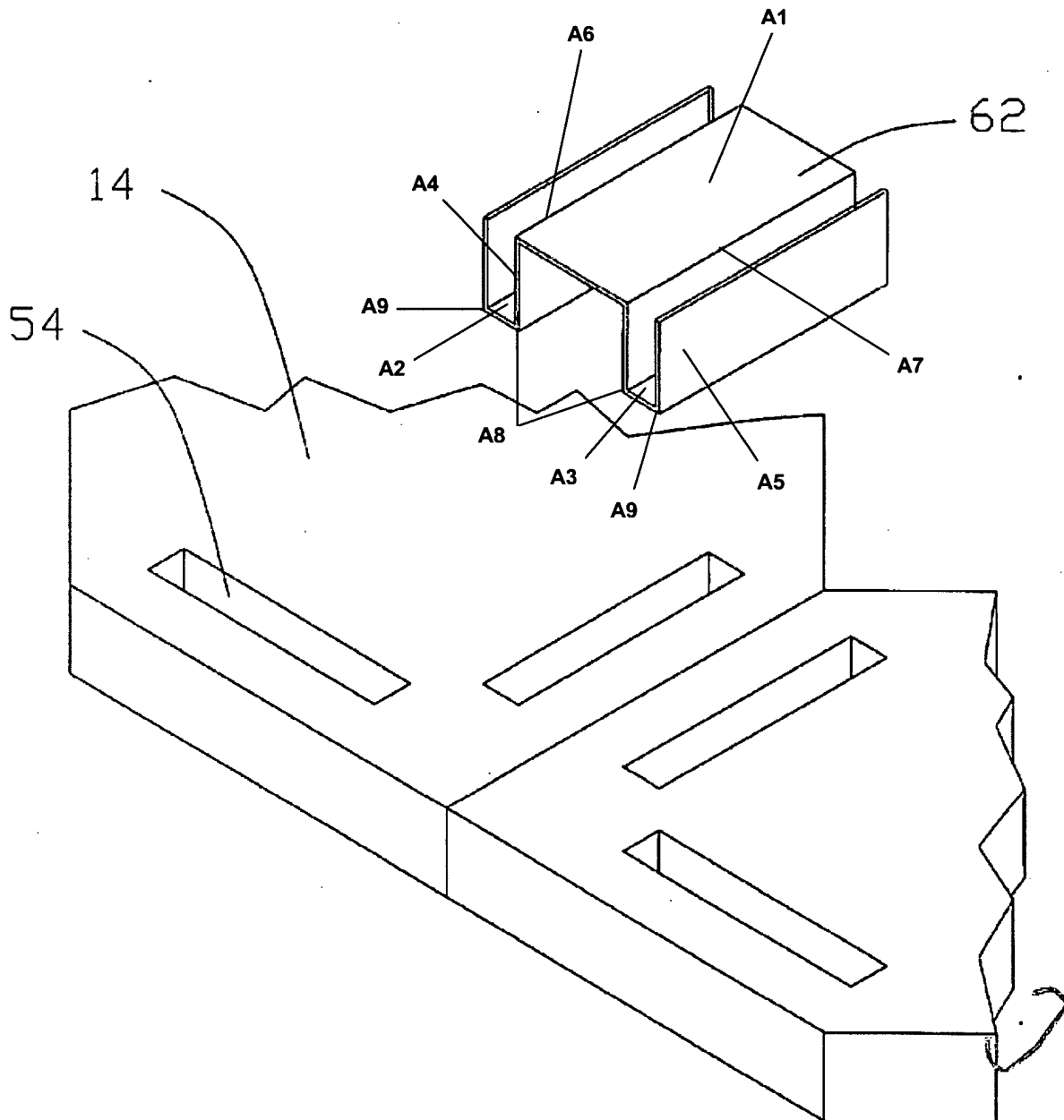
*Daniel P Stodola*

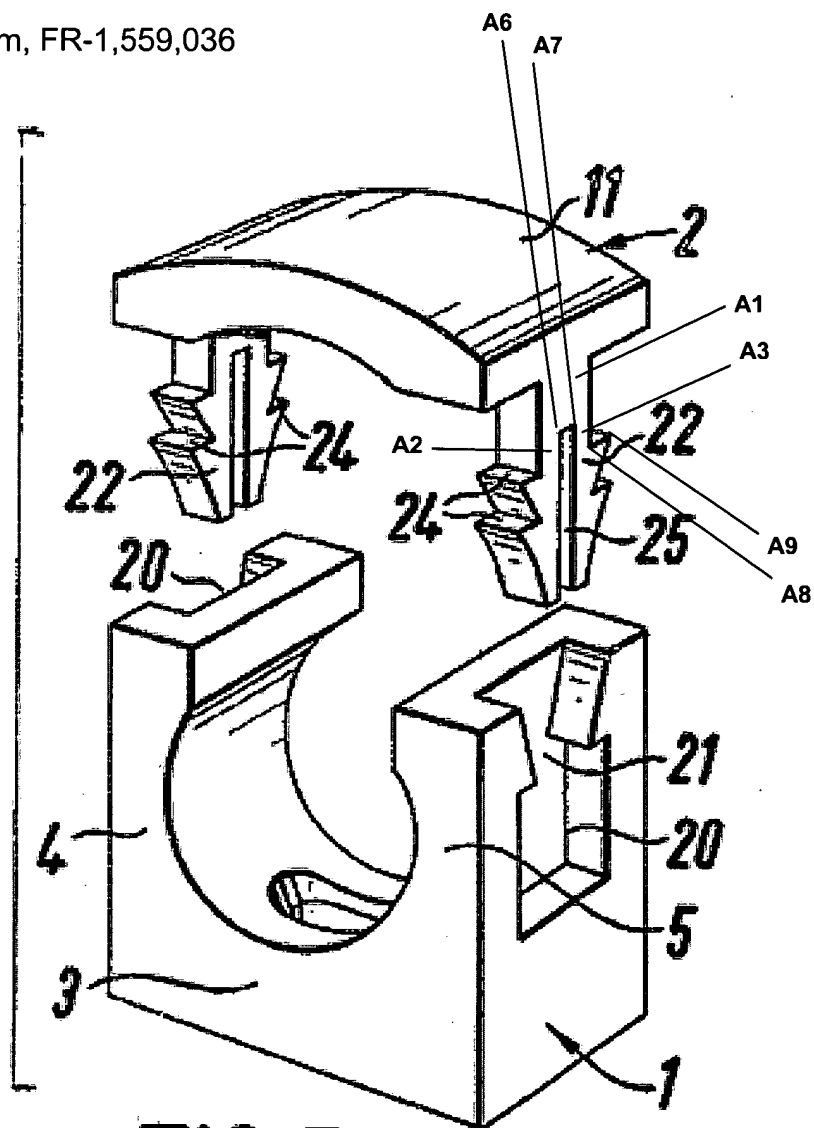
DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



Johnson, 7,021,009

Figure 8





**FIG. 5**

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Green, 4,610,250

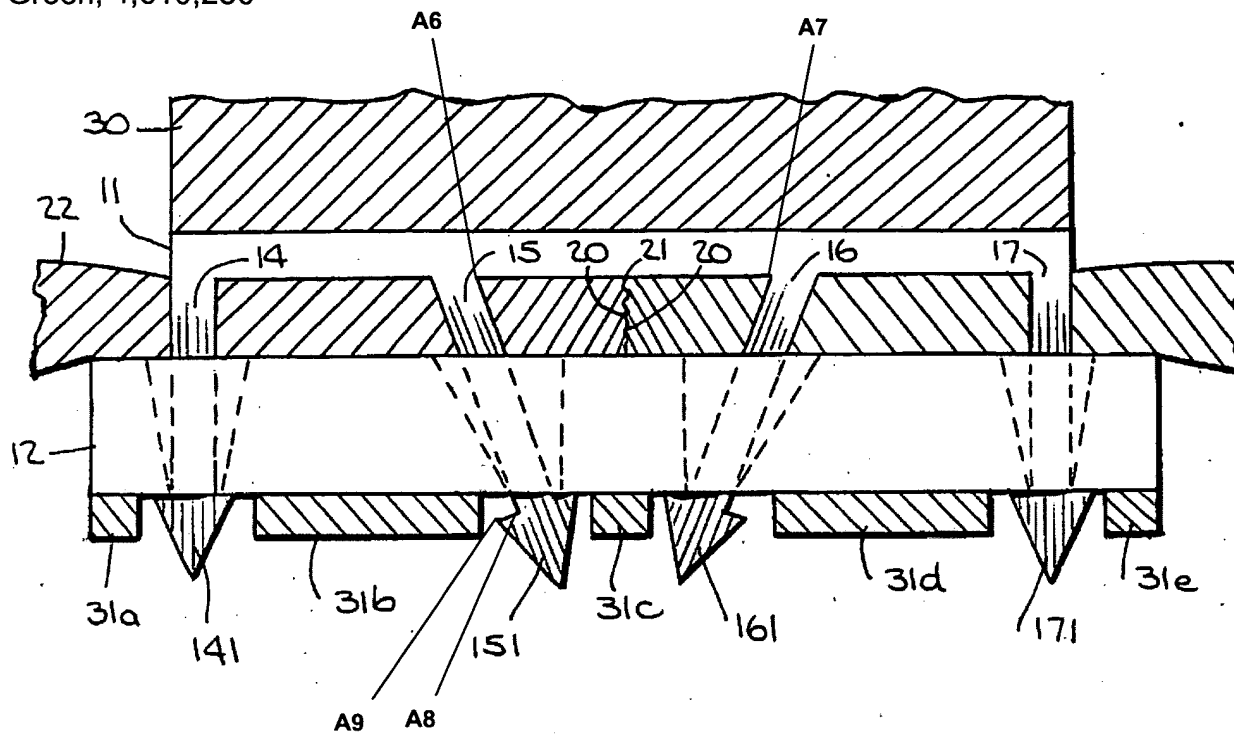
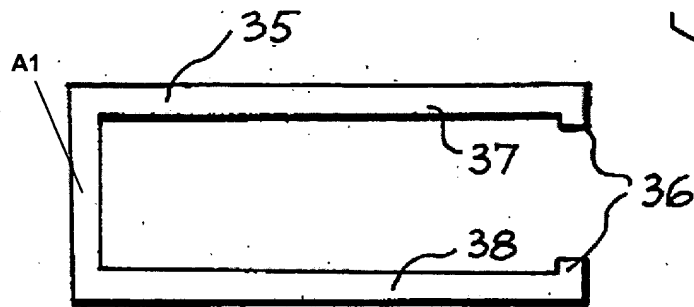


Fig. 5.

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Brown, 4,172,680



**FIG. 8A**